

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JO ANN FONZONE AKA JUDY MC GRATH
PLAINTIFF

VS.

CIVIL ACTION
JURY TRIAL DEMANDED

JOE OTEL, ET AL
DEFENDANTS

NO: 5:12-CV-5726

PLAINTIFF'S MOTION FOR FRCP 37 (f) SANCTIONS FOR DEFENDANTS WILFUL
FAILURE TO PARTICIPATE IN COURT ORDERED FRCP 26(f) DISCOVERY PLAN

Jo Ann Fonzone aka Judy Mc Grath, by and through her attorney and pursuant to FRCP 37 (f), respectfully requests that this court enter an order awarding sanctions to Plaintiff for the defendants bad faith and wilful refusal to participate in a discovery plan as ordered by this court on October 2, 2015, as required to occur prior to the Rule 16 conference October 15, 2015.

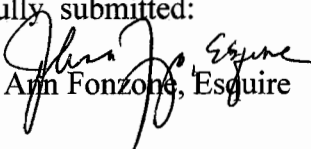
Plaintiff's attorney pro se made several attempts in good faith to arrange a meeting with defense counsel to work on a discovery plan and left several voice mail messages on defendant City of Philadelphia law department as soon as she received the court's order on October 8, 2015.

The failure of defense counsel to cooperate with Plaintiff's counsel and frame a discovery plan will cause further delay in the progression of this action and cause further undue burden and expense on Plaintiff and her pro se counsel.

As a result of further delay of case, defendants should be sanctioned by the court and thus required to pay reasonable expenses, including attorneys fees caused by their failure to participate in preparation of a discovery plan.

Respectfully submitted:

Dated: 10/13/15

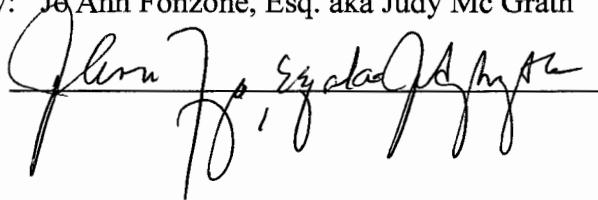

Jo Ann Fonzone, Esquire

CERTIFICATE OF SERVICE

I hereby certify that I have on this day caused to be served a true and correct copy of the foregoing Motion on defendants by U.S. mail at the address as appears below:

Aaron Shotland, Esq.
City of Philadelphia law department
1515 Arch St., 14th floor
Philadelphia, Pa 19102

By: Jo Ann Fonzone, Esq. aka Judy Mc Grath

A handwritten signature in black ink, appearing to read 'Jo Ann Fonzone, Esq. aka Judy Mc Grath', written over a horizontal line.

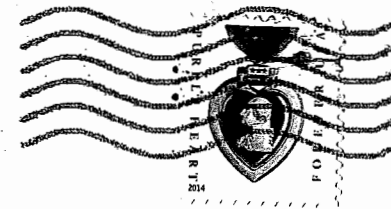
Dated : October 13, 2015



Joann Fonzone, Esq.
2242 W. Tilghman St., Apt. C1
Allentown, PA 18104

LEHIGH VALLEY PA 180

13 OCT 2015 PM 1 L



*The United States District Court
Eastern District of Pennsylvania
601 Market St.
Philadelphia, PA 19106*

Stamp: U.S. MAIL X-75

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